

From: [Slovick, Mark](#)
To: [Hingtgen, Robert J](#)
Subject: RE: BLM Record of Decision Amendment Notification - Tule Wind Project
Date: Friday, March 22, 2013 9:41:32 AM
Attachments: [FW: BLM Announces Amendment to Tule Wind Project Record of Decision.msg](#)

Here you go.

-----Original Message-----

From: Hingtgen, Robert J
Sent: Friday, March 22, 2013 9:40 AM
To: Slovic, Mark
Subject: RE: BLM Record of Decision Amendment Notification - Tule Wind Project

Mark,
Was an email generated following your response last week to Pat? I would like to receive a copy when it is sent.
Thanks,
Rob

-----Original Message-----

From: Slovic, Mark
Sent: Friday, March 15, 2013 3:46 PM
To: Patrick BROWN
Cc: Hingtgen, Robert J; Gungle, Ashley
Subject: RE: BLM Record of Decision Amendment Notification - Tule Wind Project

We're putting together an email for everyone to let them know. Thanks for keeping us in the loop.

Have a good weekend,
Mark

-----Original Message-----

From: Patrick BROWN [<mailto:Patrick.BROWN@soitec.com>]
Sent: Friday, March 15, 2013 3:37 PM
To: Gungle, Ashley; Hingtgen, Robert J; Slovic, Mark
Subject: FW: BLM Record of Decision Amendment Notification - Tule Wind Project

FYI Tule Gen-tie approved above Ground. You guys should filter this back through the Board Offices.

From: Brian Paul <rpaul@blm.gov<<mailto:rpaul@blm.gov>>>
Date: March 15, 2013, 3:15:20 PM PDT
Subject: BLM Record of Decision Amendment Notification - Tule Wind Project

Dear Interested Party,

The Bureau of Land Management (BLM) has announced an amendment to the Record of Decision (ROD) issued for the Tule Wind Project on December 19, 2011. The project is located in southeastern San Diego County, California.

A decision by the San Diego County Board of Supervisors to approve a new location for the gen-tie collector substation to an area north of the location identified in the Final Environmental Impact Report/Environmental Impact Statement requires an amendment to the ROD. Due to the location change of the collector substation, the Gen-Tie Route 2 alternative, as currently approved and authorized by the BLM, would not connect the collector substation to the planned rebuilt Boulevard Substation; thus the need for the amendment to the ROW Grant.

The Amended ROD also allows construction of an overhead gen-tie line whereas the previously approved Gen-Tie Route 2 was underground. The remaining elements of the project, as approved in the 2011 ROD, are not under consideration for change.

The Amended ROD can be found online at: <http://www.blm.gov/ca/st/en/fo/elcentro/nepa/tule.html> or you can request a copy of the amendment in person at the BLM El Centro Field Office or in writing to the address listed below;

BLM El Centro Field Office
Attention: R. Brian Paul, Renewable Energy Projects Manager
1661 S. 4th Street
El Centro, CA 92233

This Decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR 4.400 and Form 1842-1 (attached). Instructions for appeal can also be found in the Amended ROD.

If you have any additional questions or concerns, please feel free to contact me, R. Brian Paul, BLM RECO Projects Manager, at (760) 337-4445 or via email at rpaul@blm.gov<<mailto:rpaul@blm.gov>>.

Sincerely,

[\[https://mail.google.com/mail/u/0/?ui=2&ik=35a9139451&view=att&th=13d70011e5193d89&attid=0.0.1&disp=emb&realattid=f722038218b3d5a9_0.0.1&zw&atsh=1\]](https://mail.google.com/mail/u/0/?ui=2&ik=35a9139451&view=att&th=13d70011e5193d89&attid=0.0.1&disp=emb&realattid=f722038218b3d5a9_0.0.1&zw&atsh=1)

R. Brian Paul

Renewable Energy Projects Manager

Bureau of Land Management

California Desert District

El Centro Field Office

1661 S. 4th Street

El Centro, CA 92243

Office: (760) 337-4445

From: [Murray, Beth](#)
To: [Jones, Megan](#)
Cc: [Real, Sami](#); [Ramaiya, Jarrett](#); [Slovick, Mark](#)
Subject: FW: BLM Announces Amendment to Tule Wind Project Record of Decision
Date: Friday, March 15, 2013 10:00:16 AM
Attachments: [image001.jpg](#)
[Tule Wind - MUP Decision.pdf](#)
[Tule Minute Order.pdf](#)

Good Morning Megan and Happy Friday!

Attached is the MUP decision and Minute Order that indicate that the transmission line north of Interstate 8 can be installed overhead if the BLM approved an overhead line. Would you like us to get back to D2 on this as well? Thanks, Beth

Beth A. Murray

Assistant Director
COUNTY OF SAN DIEGO | Planning & Development Services
5510 Overland Avenue | Suite 310 | San Diego | CA | 92123-1666
T. 858.694.3231 | Beth.Murray@sdcounty.ca.gov

From: Jones, Megan
Sent: Thursday, March 14, 2013 10:17 AM
To: Murray, Beth
Subject: Re: BLM Announces Amendment to Tule Wind Project Record of Decision

Hi

We need to close the loop with D2. I think you were going to get the conditioning language/minute order from the item?

From: Jones, Megan
Sent: Friday, March 08, 2013 02:39 PM
To: Murray, Beth
Subject: RE: BLM Announces Amendment to Tule Wind Project Record of Decision

Yes please.

M e g a n J o n e s
COUNTY OF SAN DIEGO | Land Use and Environment Group
1600 Pacific Highway | Room 212 | San Diego | CA | 92101
T. 619.531.5186 | F. 619.531.5476 | MAIN 619.531.6256
www.sdcounty.ca.gov



www.countynewscenter.com

From: Murray, Beth
Sent: Friday, March 08, 2013 1:21 PM
To: Jones, Megan
Subject: Fw: BLM Announces Amendment to Tule Wind Project Record of Decision

From MS.....let's discuss.

From: Ramaiya, Jarrett
Sent: Friday, March 08, 2013 01:18 PM
To: Murray, Beth
Cc: Sibbet, David; Slovick, Mark
Subject: FW: BLM Announces Amendment to Tule Wind Project Record of Decision

Beth – per Slovick:

The amendment to Record of Decision allows the transmission line for Tule Wind to be installed overhead on BLM land instead of underground.

The Board of Supervisors approved Tule Wind with a condition that the transmission line north of Interstate 8 be consistent with the transmission line constructed on BLM land (i.e. overhead or underground). Tule Wind can now move forward with an overhead transmission line north of Interstate 8 on County jurisdictional land. For the purposes of this letter, Tule would not have to do any further permit processing.

Let me know if you have any questions.

Thanks, Mark

From: Murray, Beth
Sent: Friday, March 08, 2013 12:59 PM
To: Ramaiya, Jarrett
Subject: Fw: BLM Announces Amendment to Tule Wind Project Record of Decision

Can you work with Slovick on this.

From: Briery, David [<mailto:dbriery@blm.gov>]
Sent: Friday, March 08, 2013 9:53 AM
Subject: BLM Announces Amendment to Tule Wind Project Record of Decision

The Bureau of Land Management (BLM) today announced an amendment to the Record of Decision (ROD) issued for the Tule Wind Project on December 19, 2011. The project is located in southeastern San Diego County, California.

A decision by the San Diego County Board of Supervisors to approve a new location for the collector substation to an area north of the location identified in the Final Environmental Impact Report/Environmental Impact Statement requires an amendment to the ROD. Due to the location change of the collector substation, the Gen-Tie Route 2 alternative, as currently approved and authorized by the BLM, would not connect the collector substation to the planned rebuilt Boulevard Substation; thus

the need for the amendment to the ROW Grant.

David

**David C. Briery
External Affairs
BLM California Desert District
22835 Calle San Juan de Los Lagos
Moreno Valley, CA 92553
951.697.5220 (office)
951.842.9018 (cell)
dbriery@blm.gov**

**FORM OF DECISION
MAJOR USE PERMIT 3300 09-019 (MUP)**

August 8, 2012

PERMITTEE: TULE WIND, LLC
MAJOR USE PERMIT: 3300 09-019 (MUP)
E.R. NUMBER: 3910 09-21-001 (ER)
PROPERTY: THE PROJECT AREA ENCOMPASSES PORTIONS OF 16 PROJECT AREA PARCELS WITHIN THE MOUNTAIN EMPIRE AND BOULEVARD SUBREGIONAL PLAN AREAS. THE PROJECT COMPRISES BOTH ON-SITE AND OFF-SITE PROJECT COMPONENTS AND ACTIVITIES.
APN(S): 529-140-01-00, 529-150-01-00, 611-030-01-00, 611-060-04-00, 611-090-02-00, 611-090-04-00, 611-090-15-00, 611-091-09-00, 611-100-07-00, 611-110-01-00, 612-091-12-00, 612-091-13-00, 613-010-14-00, 613-010-15-00, 613-010-16-00, 613-030-28-00

This Major Use Permit is for five wind turbines, a 5-acre temporary concrete batch plant, a 5,000 square foot operations and maintenance (O&M) building and associated structures, three wells for groundwater extraction during construction, a 5-acre on-site collector substation, and an underground and aboveground 34.5-kilovolt (kV) collector cable system and a 138 kV transmission line from the project on-site collector substation to the SDG&E rebuilt Boulevard Substation. The 138 kV transmission line will be constructed underground south of Interstate 8, and will be consistent (overhead or underground) with the project transmission line on Bureau of Land Management land north of Interstate 8. The Major Use Permit consists of 28 sheets including plot plan and elevations dated April 17, 2012 (and revised August 15, 2012 to reflect the Board of Supervisors' action). This permit authorizes a Major Impact Service and Utility pursuant to Sections 1350, 2725, 2926, and 2805 of The Zoning Ordinance.

The granting of this use permit also approves the Preliminary Grading and Improvement Plan dated April 17, 2012 (and revised August 27, 2012 to reflect the Board of Supervisors' action) consisting of 36 sheets. In accordance with the Section 87.207 of the County Grading Ordinance, Environmental Mitigation Measures or other conditions of approval required and identified on the plan(s), shall be completed or implemented on the final engineering plan before any final improvement or grading plan can be approved and any permit issued in reliance of the approved plan. Any Substantial deviation therefrom the Preliminary Grading and Improvement Plan may cause the need for further environmental review. Additionally, approval of the preliminary plan does not constitute approval of a final engineering plan. A final engineering plan shall be approved pursuant to County of San Diego Grading Ordinance (Sec 87.701 et seq.)

This Major Use Permit P09-019 shall take effect and be in force on September 7, 2012, but only if GPA 12-002 for Application Number GPA 11-001 and Zoning Ordinance Amendment (Rezone) 12-002 are also approved and become effective that day.

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
WEDNESDAY, AUGUST 8, 2012**

MINUTE ORDER NO. 5

**SUBJECT: NOTICED PUBLIC HEARING:
TULE WIND ENERGY; MAJOR USE PERMIT, GENERAL PLAN
AMENDMENT, ZONING ORDINANCE AMENDMENT, AND FIRE
MITIGATION AGREEMENT; P09-019, GPA 11-001, REZ 12-001;
MOUNTAIN EMPIRE AND BOULEVARD SUBREGIONAL PLAN
AREAS (DISTRICT: 2)**

OVERVIEW:

Application Date: October 9, 2009

The applicant requests a Major Use Permit (MUP), General Plan Amendment (GPA), and a Zoning Ordinance Amendment to construct and operate five large wind turbines with a maximum height of 492-feet, a 34.5-kilovolt (kV) overhead and underground collector cable system linking the wind turbines to the on-site collector substation, a five-acre temporary concrete batch plant, a 5,000 square foot operations and maintenance (O&M) building, three wells for groundwater extraction, a five-acre collector substation, a 138 kV overhead transmission line and associated transmission towers, and the construction and improvement of off-site roads, including McCain Valley Road and a new proposed road from Ribbonwood Road to McCain Valley Road.

The MUP would authorize this Major Impact Service and Utility use pursuant to Section 1350 of the Zoning Ordinance. The GPA would change the Boulevard Subregional Plan to exempt the proposed project from two goals and eight policies and the Zoning Ordinance Amendment would exempt the project from the required height and setback limitations for Large Wind Turbine Systems. The project site consists of 16 parcels in the unincorporated area of San Diego county generally located along McCain Valley Road, north and south of Interstate 8 within the Mountain Empire and Boulevard Subregional Plan areas (2008 Thomas Guide Page 1300, F-7, G-7, F-6, G-6, H-6, J-6, H-5, J-5, H-4, J-4, D-3, E-3, F-3, G-3, H-3, J-3, D-2, E-2, F-2, G-2, H-2, D-1, E-1, Page 430, D-7, D-8).

As a condition of the County's approval of the Tule Wind Energy project, the applicant is required to enter into an agreement with the County to implement mitigation measures related to potential fire impacts as specified in the Environmental Impact Report. The Fire Protection Mitigation Agreement will require Tule Wind LLC to provide funding to the County for use by the San Diego County Fire Authority to mitigate risks of wildfires and to enhance fire suppression and emergency medical support services in the Project area. Authorization for the execution of similar agreements for the ESJ Gen-Tie and ECO project is requested in a separate Board Action on today's agenda.

The EIR analyzed three energy projects to be located in the same general area: ESJ's U.S. Generator Transmission Line, San Diego Gas & Electric's (SDG&E) East County Substation and Tule Wind LLC's, Tule Wind Energy Project. SDG&E's project is under the jurisdiction of the California Public Utilities Commission (CPUC). The CPUC approval requires SDG&E to comply with the mitigation measures required by the EIR. This project is not a part of another item on today's agenda related to ESJ's U.S. Generator Transmission Line project. However, both projects were analyzed in the same EIR.

FISCAL IMPACT:

Funds for this request are not included in the Fiscal Year 2012-13 Operational Plan in the Public Safety Group Executive Office, San Diego County Fire Authority. If approved this request will result in current year cost and revenue of \$75,900 plus \$996.44 per acre occupied. The funding source is revenue from the Tule Wind LLC agreement. There will be no change in net General Fund cost and will result in one staff year. This agreement will fund 55% of one staff year. Additional agreements will provide a proportional share of funding totaling 45% for one staff year. Staff will return to your Board to appropriate funds and request approval of one staff year.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

PLANNING COMMISSION

1. Adopt the Environmental Findings and CEQA Findings included in Attachments E and F.
2. Grant Major Use Permit 3300 09-019 (MUP) for the project as modified and described in the MUP, make the findings, and impose the requirements and conditions described in the MUP (Attachment B) and approve the Fire Protection and Mitigation Agreement between the County of San Diego and Tule Wind LLC and authorize the County Fire Warden or his designee to sign the agreement for the County (Attachment K).
3. Deny GPA 11-001 for the reasons stated and discussed in this report.
4. Deny Zoning Ordinance Amendment 12-002 for the reasons stated and discussed in this report.
5. Require Tule Wind LLC to enter into an agreement to defend and indemnify the County in accordance with County Code section 86.201 et seq. If litigation is filed challenging the Board's action on this project, require Tule Wind LLC to provide security in the amount of \$250,000.00 in the form of an irrevocable letter of credit or bond, in a form acceptable to County Counsel within 10 days of the litigation being filed.

DEPARTMENT OF PLANNING AND LAND USE

The Department of Planning and Land Use concurs with the recommendation of the Planning Commission.

CHIEF ADMINISTRATIVE OFFICER

1. Approve and authorize the County Fire Warden or his designee to execute and administer the Fire Protection and Mitigation Agreement with Tule Wind LLC (Attachment K).
2. Upon execution of the Fire Protection and Mitigation Agreement with Tule Wind LLC, authorize the Auditor and Controller to establish an interest bearing trust fund in the Public Safety Group Executive Office, San Diego County Fire Authority for the funding collected through the agreement, with interest earned directly credited to the trust fund.

ACTION:

A motion was made by Supervisor Jacob, seconded by Supervisor Slater-Price, to deny the project.

AYES: Jacob, Slater-Price

NOES: Cox, Roberts, Horn

(This motion failed due to lack of majority vote.)

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Roberts, the Board closed the Hearing and took the following actions:

- Adopted the Environmental Findings included in Attachment E and the CEQA findings as amended for the project as approved by the Board.
- Granted Major Use Permit 3300 09-019 (MUP) for the project as described in the MUP, made the findings, and imposed the requirements and conditions described in the MUP in the Tule Wind Project Approval Package August 8, 2012, Exhibit B, provided by the applicant, as amended pursuant to the Board's direction, and approved the Fire Protection and Mitigation Agreement between the County of San Diego and Tule Wind LLC and authorized the County Fire Warden or his designee to sign the agreement for the County (Attachment K).
- Adopted Resolution No. 12-138, entitled: A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS ADOPTING GENERAL PLAN AMENDMENT (GPA) 3800 11-001.
- Adopted Ordinance No. 10220 (N.S.), entitled: AN ORDINANCE AMENDING SAN DIEGO COUNTY ZONING ORDINANCE SECTION 6951 RELATED TO HEIGHT AND SETBACK REQUIREMENTS FOR SPECIFIC LARGE WIND TURBINE PROJECT (REZ3600 12-002).
- Required Tule Wind LLC to enter into an agreement to defend and indemnify the County in accordance with County Code section 86.201 et seq. If litigation is filed challenging the Board's action on this project, required Tule Wind LLC to provide security in the amount of \$250,000.00 in the form of an irrevocable letter of credit or bond, in a form acceptable to County Counsel within 10 days of the litigation being filed.

- Approved and authorized the County Fire Warden or his designee to execute and administer the Fire Protection and Mitigation Agreement with Tule Wind LLC (Attachment K).
- Upon execution of the Fire Protection and Mitigation Agreement with Tule Wind LLC, authorized the Auditor and Controller to establish an interest bearing trust fund in the Public Safety Group Executive Office, San Diego County Fire Authority for the funding collected through the agreement, with interest earned directly credited to the trust fund.
- Directed the Chief Administrative Officer to include amendments to the Major Use Permit that allow the five wind turbines proposed by the applicant and that allow the portion of the transmission line north of Interstate 8, which parallels the Sunrise Powerlink, to be installed overhead if the United States Department of the Interior Bureau of Land Management (BLM) approves the transmission line on BLM land being installed overhead. The portion of the transmission line south of Interstate 8 will be undergrounded.

AYES: Cox, Roberts, Horn

NOES: Jacob, Slater-Price

State of California)

County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the original entered in the Minutes of the Board of Supervisors.

THOMAS J. PASTUSZKA

Clerk of the Board of Supervisors



By Andrew Potter
Andrew Potter, Chief Deputy